

HOUSE BILL 360

R1, L2

2lr1658

By: **Delegates Schuh, Beidle, Costa, Kipke, McConkey, McMillan, Sophocleus, and Vitale**

Introduced and read first time: January 30, 2012

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Anne Arundel County – Unauthorized Signs on Highway Rights-of-Way –**
3 **Exceptions**

4 FOR the purpose of exempting in Anne Arundel County a sign placed or maintained
5 by a home builder or real estate broker during certain time periods from the
6 prohibition against placing or maintaining a sign within the right-of-way of a
7 State highway; making a stylistic change; and generally relating to the
8 placement and maintenance of signs on State highway rights-of-way in Anne
9 Arundel County.

10 BY repealing and reenacting, with amendments,
11 Article – Transportation
12 Section 8–605(f)
13 Annotated Code of Maryland
14 (2008 Replacement Volume and 2011 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
16 MARYLAND, That the Laws of Maryland read as follows:

17 **Article – Transportation**

18 8–605.

19 (f) (1) Except [for a sign placed or maintained by the Administration or
20 with the authorization of the Administration] **AS PROVIDED IN PARAGRAPH (2) OF**
21 **THIS SUBSECTION**, a person may not place or maintain a sign or direct, consent to, or
22 approve the placement or maintenance of a sign, within a State highway right-of-way.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(2) THE PROHIBITION IN PARAGRAPH (1) OF THIS SUBSECTION**
2 **DOES NOT APPLY TO A SIGN PLACED OR MAINTAINED:**

3 **(I) BY THE ADMINISTRATION OR WITH THE**
4 **AUTHORIZATION OF THE ADMINISTRATION; OR**

5 **(II) IN ANNE ARUNDEL COUNTY, BY A HOME BUILDER OR**
6 **REAL ESTATE BROKER:**

7 **1. FROM 8 A.M. ON FRIDAY TO 9 A.M. ON MONDAY;**
8 **OR**

9 **2. FROM 9 A.M. ON A COUNTY, STATE, OR FEDERAL**
10 **HOLIDAY TO 9 A.M. ON THE FOLLOWING DAY.**

11 **[(2)] (3)** (i) Without resort to legal proceedings, a sign placed or
12 maintained in violation of this subsection may be removed and destroyed by the
13 Administration, a law enforcement officer, or the government of the county or
14 municipal corporation in which the sign was located.

15 (ii) The Administration or the government of the county or
16 municipal corporation that removed or destroyed the sign may, if the sign is a
17 commercial sign:

18 1. Collect the civil penalty provided for under paragraph
19 **[(3)] (4)** of this subsection from the person that placed or maintained the commercial
20 sign; and

21 2. Seek an injunction against further violations of this
22 subsection in a civil action in the District Court.

23 **[(3)] (4)** (i) A person that places or maintains a commercial sign
24 within the right-of-way of a State highway in violation of this subsection is subject to
25 a civil penalty not exceeding \$25 per commercial sign, which, if not paid after being
26 cited and assessed by the Administration, county, or municipal corporation, may be
27 recovered in a civil action in the District Court by the Administration or by the county
28 or municipal corporation in which the commercial sign was located.

29 (ii) As to a county or a municipal corporation in which the
30 commercial sign was located, the civil action in the District Court may be brought by
31 the county attorney or, if the commercial sign was located in a municipal corporation,
32 the municipal corporation attorney.

33 (iii) The Administration, a county, or a municipal corporation:

1 1. May enforce this subsection only by the issuance of a
2 warning for the first 3 months after initiating a sign removal program; and

3 2. Shall enforce this subsection on a viewpoint and
4 content neutral basis.

5 **[(4)] (5)** For the purposes of enforcing this subsection, the presence of
6 a sign within a State highway right-of-way shall be evidence that the sign was placed
7 or maintained at the direction of, or with the consent and approval of, the person or
8 the person's agent or representative in the State whose name, business, location, or
9 product representation is displayed on the sign.

10 **[(5)] (6)** The Administration, a county, or a municipal corporation
11 shall retain any civil penalties that it collects under this subsection.

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 October 1, 2012.